

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JESSE CARABAY,

No. C 11-00289 YGR (PR)

Plaintiff,

vs.

MICHAEL C. SAYRE et al.,

Defendants.

**ORDER SETTING NEW BRIEFING
SCHEDULE TO COMPLY WITH RAND
SUMMARY JUDGMENT NOTICE; AND
GRANTING PLAINTIFF'S REQUEST
FOR AN EXTENSION OF TIME TO FILE
AN OPPOSITION**

Plaintiff Patrick Burke, a state prisoner, filed the above-titled pro se civil rights action pursuant to 42 U.S.C. § 1983.

On June 18, 2012, Defendants filed their motion for summary judgment. (Docket No. 38.)

A recent decision from the Ninth Circuit, however, requires that pro se prisoner-plaintiffs be given "notice of what is required of them in order to oppose" summary judgment motions at the time of filing of the motions, rather than when the district court orders service of process or otherwise before the motions are filed. *Woods v. Carey*, 684 F.3d 934, 935, 940-41 (9th Cir. 2012).

On July 23, 2012, Defendants submitted a filing containing the notice of the requirements previously set forth by the Ninth Circuit in *Rand v. Rowland*, 154 F.3d 952, 962-63 (9th Cir. 1998), and explained to Plaintiff what he must do in order to oppose a motion for summary judgment.

Plaintiff's opposition to Defendants' motion for summary judgment was due August 2, 2012. Also pending before the Court is Plaintiff's request for an extension of time to file his opposition up to and including August 29, 2012. In order to allow Plaintiff time to prepare his opposition to the pending motion for summary judgment taking into account this *Rand* summary judgment notice, the Court GRANTS his request (Docket No. 39), and sets the following new briefing schedule on Defendants' motion for summary judgment: Plaintiff must file and serve his opposition to the motion no later than **August 29, 2012**. Defendants shall file and serve their reply no later than **September 13, 2012**.

1 **No further extensions of time will be granted in this case absent extraordinary**
2 **circumstances.**

3 IT IS SO ORDERED.

4 DATED: August 21, 2012


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

United States District Court
For the Northern District of California